

REMARKS/ARGUMENTS

Claims 1-8 are in the application. All of the claims have been rejected on art.

Claims 1 and 3-8 have been rejected under 35 U.S.C. § 103 as obvious over Huet in view of Brierly. Claims 2-8 have been rejected under 35 U.S.C. § 103 as obvious over Huet in view of Brierly in view of Knotek.

Independent claim 1 has now been amended to positively recite the housing containing the chamber has an element of the claimed apparatus and its relationship to the base panel of the anti-stick device which cooperate to stabilize the chamber beneath the skin during insertion and withdrawal of the needle.

Huet, considered the most relevant prior art, describes an anti-stick device for bent injection upon which applicant has improved. Unlike Huet's, Applicant's anti-stick device cooperates with a feeding chamber implanted under the skin in order to stabilize the chamber for preventing the chamber from being displaced when maneuvering an injection needle through the skin into the chamber, and during withdrawal of the needle from the chamber, while preventing the operator from being punctured. Toward that end, the specification includes the following features which are not disclosed by Huet, and which are recited in claim 1 as distinguishing limitations:

1. The base panel of the present invention is manufactured in such a shape that two opposite lateral branches of the panel have a

curvature for application of these branches to the skin so that the base panel is in line with the implanted chamber;

2. The chamber resides in a housing have a top to which the profile of the base panel imparted by the curvature of these lateral branches is matched for securing the chamber when the base panel is urged against the skin;

3. Two other opposite lateral branches of the panel are capable of being bent at will under pressure exerted by two fingers of a hand in order to press the latter branches onto the skin over the chamber to hold the chamber in place when the operator withdraws the needle with his other hand;

4. The needle-holding panel and the covering panel are contiguous, respectively, with one or other of the pre-curved branches of the base panel and have a curvature which is the opposite of the curvature of the pre-curved branches so as to match the curvature of the pre-curved branches when they are folded down onto the panel.

Huet's device is not intended to be used to maneuver a needle for feeding a chamber implanted under the skin. Hence Huet is unconcerned with the problem of stabilizing an implanted chamber during insertion and withdrawal of a bent needle and provides no solution for doing so.

The above mentioned limitations of claim 1 provide for:

1. easily applying an anti-stick device in alignment with a chamber implanted under the skin of the patient;

2. holding the chamber in place when the operator withdraws the needle with his hand;

3. permitting the withdrawal of the needle from the chamber while preventing the operator from being punctured by the needle; and

4. imparting an elastic deformation to the needle during its withdrawal from the chamber so that, when it exits the opening, it automatically moves away from the opening for protecting the operator.

Brierly discloses a protector for an Intravenous (IV) site on a patient. The protector has a flexible base with peripherally extending taping tabs for adhesively securing the protector about the IV site. As Brierly states,

"The transversely curved surface of the base will conform comfortably to the curve of the back of the hand and wrist area as well as most any other location where a suitable vein is located."

Brierly curves the surface of a protector to conform to the body of a patient for comfort.

The Examiner contends that it would be obvious to modify Huet to modify Huet to have "an overall curved contour to the skin contacting surface as taught by Brierly to conform the the patient's body to increase stability of the needle and thus patient comfort. (emphasis added)". However, Brierly discloses no match between the housing of an implant chamber and the curvature of a

protector for stabilizing the chamber during insertion and removal of a needle.

The present invention is unconcerned with the stability of the needle and patient comfort. The invention instead seeks to stabilize a subcutaneous chamber for facilitating maneuvering of a needle, and protection of the operator. Like Huet, Brierly does not address the problems associated with using a needle to fill an implanted chamber and makes no attempt to address them. One skilled in the art would not look to Brierly to facilitate maneuvering a needle without displacing an underskin chamber in which the needle is to be received.

Finally, nowhere in the cited art is there any mention or suggestion to use a base panel having pre-curved branches or contiguous panels having a curvature which is opposite to the curvature of the pre-curved branches so as to match the curvature of the precurved branches when they are folded down onto the base panel Brierly only discloses a flexible protector capable of being flexed to contact and conform to the shape of the patient's body for comfort.

From the foregoing it is seen that claim 1, as now amended, is patentable over Huet in view of Brierly. Claims 2-8 depend from claim 1 are also patentable for the reasons advanced with respect to claim 1.

In view of the above, it is respectfully submitted that the application is now in condition for allowance. Early and favorable action is earnestly solicited.

An unpaid fee required to keep this case alive may be charged to deposit account 06-0735.

Respectfully Submitted,

/Howard F. Mandelbaum/
Howard F. Mandelbaum
Registration No. 27,519
Attorney for Applicant

HFM:tct